



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW HOANG HO,
aka "Mat Hoang Ho,"

Defendant.

CR 8:23-cr-00051-JVS

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to
Commit Wire Fraud; 18 U.S.C.
§ 1343: Wire Fraud; 18 U.S.C.
§ 1956(a)(1)(B)(i): Concealment
Money Laundering; 18 U.S.C. §§ 981
and 982: Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

Defendant and Relevant Entities

1. Defendant MATTHEW HOANG HO, also known as "Mat Hoang Ho,"
was a resident of Jefferson County, Alabama, and Brevard County,
Florida.

2. Co-Conspirator Anthony Hao Dinh was a resident of Orange
County, California.

1 3. Global Prestige Company Inc. was an Alabama corporation
2 registered in 2011. Defendant HO was the incorporator, director, and
3 registered agent of Global Prestige.

4 4. Defendant HO controlled a business checking account in the
5 name of Global Prestige with JPMorgan Chase Bank (the "Global
6 Prestige Checking Account").

7 5. Prestige Property Investment Co., Inc. was a California
8 corporation registered in 2004. Co-Conspirator Dinh incorporated
9 Prestige Property and was the registered agent until April 2022.

10 The Paycheck Protection Program

11 6. The United States Small Business Administration ("SBA") was
12 an executive-branch agency of the United States government that
13 provided support to entrepreneurs and small businesses. The mission
14 of the SBA was to maintain and strengthen the nation's economy by
15 enabling the establishment and viability of small businesses and by
16 assisting in the economic recovery of communities after disasters.

17 7. As part of this effort, the SBA facilitated government-
18 backed loans through banks, credit unions, and other lenders.

19 8. The Coronavirus Aid, Relief, and Economic Security
20 ("CARES") Act was a federal law enacted in or about March 2020 that
21 was designed to provide emergency financial assistance to Americans
22 suffering economic harm as a result of the COVID-19 pandemic. One
23 form of assistance provided by the CARES Act was the authorization of
24 United States taxpayer funds in forgivable loans to small businesses
25 for job retention and certain other expenses, through a program
26 referred to as the Paycheck Protection Program ("PPP").

27 9. To obtain a PPP loan, a qualifying business was required to
28 submit a PPP loan application, signed by an authorized representative

1 of the business. The PPP loan application required the business,
2 through its authorized representative, to acknowledge the program
3 rules and make certain affirmative certifications to be eligible to
4 obtain the PPP loan. One such certification required the applicant
5 to affirm that "[t]he [PPP loan] funds w[ould] be used to retain
6 workers and maintain payroll or make mortgage interest payments,
7 lease payments, and utility payments." The applicant, through its
8 authorized representative, was also required to acknowledge that "I
9 understand that if the funds are used for unauthorized purposes, the
10 federal government may pursue criminal fraud charges." In the PPP
11 loan application, the small business, through its authorized
12 representative, was required to state, among other things, its: (a)
13 average monthly payroll expenses; and (b) number of employees. These
14 figures were used to calculate the amount of money the small business
15 was eligible to receive under the PPP, and a business could not
16 receive a loan of more than 2.5 times its average monthly payroll
17 costs. In addition, businesses applying for a PPP loan were required
18 to provide documentation showing their payroll expenses.

19 10. A PPP loan application was processed by a participating
20 financial institution ("lender"). If a PPP loan application was
21 approved, the participating lender would fund the loan using its own
22 monies, which were guaranteed by the SBA. Data from the application,
23 including information about the borrower, the total amount of the
24 loan, and the listed number of employees, was transmitted by the
25 lender to the SBA in the course of processing the loan.

26 11. PPP loan proceeds were required to be used by the business
27 on certain permissible expenses, including payroll costs, mortgage
28 interest, rent, and utilities. Under the applicable PPP rules and

1 guidance, the interest and principal on the PPP loan was eligible for
2 forgiveness if the business was eligible for the PPP loan it
3 received, spent the loan proceeds on these permissible expense items
4 within a designated period of time, and used a certain portion of the
5 loan proceeds for payroll expenses.

6 The Economic Injury Disaster Loan Program

7 12. The Economic Injury Disaster Loan ("EIDL") Program was a
8 United States Small Business Administration ("SBA") program that
9 provided low-interest financing to small businesses, renters, and
10 homeowners in regions affected by declared disasters.

11 13. The CARES Act authorized the SBA to provide EIDLs up to \$2
12 million to eligible small businesses experiencing substantial
13 financial disruption due to the COVID-19 pandemic. In addition, the
14 CARES Act authorized the SBA to issue advances of up to \$10,000 to
15 small businesses applying for an EIDL.

16 14. To obtain an EIDL and an advance, a qualifying business was
17 required to submit an application to the SBA and provide information
18 about its operations, such as the number of employees, gross revenues
19 for the 12-month period preceding the disaster, and cost of goods
20 sold in the 12-month period preceding the disaster. In the case of
21 EIDLs for COVID-19 relief, the 12-month period extended from January
22 1, 2019, to January 31, 2020. Applicants certified that all the
23 information in the application was true and correct to the best of
24 their knowledge.

25 15. EIDL applications were submitted directly to the SBA and
26 processed by the agency with support from a government contractor.
27 The amount of the loan was determined, in part, on the information
28

1 provided by the applicant about employment, revenue, and cost of
2 goods, as described above.

3 16. Any funds issued under an EIDL or advance were issued
4 directly by the SBA. EIDL funds could be used for payroll expenses,
5 sick leave, production costs, and business obligations, such as
6 debts, rent, and mortgage payments. If the applicant also obtained a
7 loan under the PPP, the EIDL loan funds could not be used for the
8 same purpose as the PPP loan funds.

9 Relevant Lending Institution

10 17. PayPal, Inc. ("PayPal"), headquartered in California, was a
11 financial institution that was an approved SBA lender of PPP loans.

12 B. THE OBJECT OF THE CONSPIRACY

13 18. Beginning no later than in or around April 2020 and
14 continuing until at least in or around March 2021, in Orange County,
15 within the Central District of California, and elsewhere, defendant
16 HO conspired with Co-Conspirator Dinh and others known and unknown to
17 the Grand Jury to commit wire fraud, in violation of Title 18, United
18 States Code, Section 1343.

19 C. THE MANNER AND MEANS OF THE CONSPIRACY

20 19. The object of the conspiracy was to be carried out, and was
21 carried out, in substance, as follows:

22 a. Defendant HO and Co-Conspirator Dinh, together with
23 other co-conspirators, would make, and cause to be made, false
24 statements to lenders, including PayPal, in connection with
25 fraudulent applications for PPP and EIDL loans for Global Prestige,
26 including false representations regarding the number of employees to
27 whom the company had paid wages and false certifications that the
28 loans would be used for permissible business purposes.

1 b. In connection with those applications, defendant HO
2 and Co-Conspirator Dinh, together with other co-conspirators, would
3 also electronically submit, and cause to be submitted, false
4 documents to lenders, including PayPal, in support of the fraudulent
5 PPP and EIDL loan applications, including false and fictitious tax
6 documents.

7 c. At the time of these applications, defendant HO and
8 Co-Conspirator Dinh knew that the representations regarding the
9 numbers of employees and intended use of the loan proceeds were false
10 and that the tax documents were fabricated. In making these false
11 representations and submitting these fabricated documents, defendant
12 HO and Co-Conspirator Dinh intended that the lenders, including
13 PayPal, would rely on them to approve the applications and determine
14 the amount to be disbursed.

15 d. Defendant HO and Co-Conspirator Dinh, together with
16 other co-conspirators, would direct that PPP and EIDL loan proceeds
17 be deposited into bank accounts that defendant HO controlled,
18 including the Global Prestige Checking Account.

19 e. Defendant HO and Co-Conspirator Dinh, together with
20 other co-conspirators, would then use the fraudulently obtained PPP
21 and EIDL loan proceeds for their own personal benefit and for the
22 benefit of their co-conspirators, including for expenses prohibited
23 under the requirements of the PPP and EIDL programs. In order to
24 conceal their misappropriation of these loan proceeds, defendant HO
25 would write checks drawn on the loan proceeds in the Global Prestige
26 Checking Account to Co-Conspirator Dinh, his companies, or Co-
27 Conspirator Dinh's family member, with memo lines falsely describing
28 the purpose of the checks as "rent" and "payroll." Then, Co-

1 Conspirator Dinh would transfer the funds back to defendant HO by
2 writing checks on his personal account and the accounts of his
3 companies to defendant HO and defendant HO's family members.

4 20. From in or around April 2020 and continuing until at least
5 in or around March 2021, in furtherance of the conspiracy, defendant
6 HO, together with Co-Conspirator Dinh and others known and unknown,
7 submitted and caused to be submitted fraudulent EIDL and PPP loan
8 applications seeking at least approximately \$877,029.50, and actually
9 received approximately \$220,927 in PPP proceeds from PayPal based on
10 the false and fraudulent statements, representations, and promises in
11 the applications.

12 D. OVERT ACTS

13 21. On or about the following dates, in furtherance of the
14 conspiracy and to accomplish its object, defendant HO, together with
15 Co-Conspirator Dinh and others known and unknown, committed and
16 willfully caused others to commit the following overt acts, among
17 others, within the Central District of California and elsewhere:

18 Overt Act No. 1: On April 6, 2020, defendant HO opened the
19 Global Prestige Checking Account.

20 Overt Act No. 2: On June 19, 2020, defendant HO submitted and
21 caused to be submitted to PayPal an application in the name of Global
22 Prestige and providing a business address that was the same address
23 used by a company owned and operated by Co-Conspirator Dinh, seeking
24 a PPP loan in the amount of \$133,900, which application: (a) falsely
25 represented that Global Prestige had six employees, including
26 employees for whom it had paid wages and payroll taxes; and
27 (b) falsely certified Global Prestige would use the loan proceeds
28 only for permissible business purposes.

1 Overt Act No. 3: On June 19, 2020, defendant HO submitted and
2 caused to be submitted to PayPal false documents, including a fake
3 Internal Revenue Service Form 941 for January 1, 2020, through March
4 31, 2020, in support of Global Prestige's June 19, 2020, PPP loan
5 application to PayPal.

6 Overt Act No. 4: On June 23, 2020, defendant HO caused PayPal
7 to transfer approximately \$133,900 into the Global Prestige Checking
8 Account based on the fraudulent June 19, 2020, Global Prestige PPP
9 loan application.

10 Overt Act No. 5: In September 2020, defendant HO used the
11 fraudulently obtained PPP loan proceeds to write a check drawn on the
12 Global Prestige Checking Account to Co-Conspirator Dinh in the
13 approximate amount of \$9,862 disguised as "rent" that was deposited
14 into a bank account controlled by Co-Conspirator Dinh on or about
15 September 9, 2020.

16 Overt Act No. 6: On July 15, 2021, defendant HO submitted and
17 caused to be submitted a false and fraudulent loan forgiveness
18 application to PayPal regarding the fraudulent June 19, 2020, Global
19 Prestige PPP loan application in which defendant HO falsely claimed
20 payroll costs of \$103,906.66.

COUNT TWO

[18 U.S.C. §§ 1343, 2(a)]

22. The Grand Jury re-alleges paragraphs 1 through 17 and 19 through and 21 of this Indictment here.

A. THE SCHEME TO DEFRAUD

23. Beginning no later than in or around April 2020, and continuing until at least in or around March 2021, in Orange County, within the Central District of California, and elsewhere, defendant HO, together with Co-Conspirator Dinh and others known and unknown to the Grand Jury, knowingly and with intent to defraud, devised, intended to devise, and participated in a scheme to defraud lenders, and to obtain money and property by means of material false pretenses, representations, and promises, and the concealment of material facts.

24. The fraudulent scheme operated and was carried out, in substance, as described in Paragraphs 19 through 21 of this Indictment.

B. USE OF THE WIRES

25. On or about June 19, 2020, in Orange County, within the Central District of California, and elsewhere, defendant HO, Co-Conspirator Dinh, and others known and unknown to the Grand Jury, aiding and abetting each other, for the purpose of executing the above-described scheme to defraud, transmitted and caused the transmission of, by means of wire communications in interstate commerce, a PPP loan application in the name of Global Prestige from Westminster, California, to PayPal via a server outside the State of California.

COUNTS THREE THROUGH FOUR

[18 U.S.C. §§ 1956(a)(1)(B)(i), 2(a) & (b)]

26. The Grand Jury re-alleges paragraphs 1 through 17, and 19 through 21 of this Indictment here.

27. On or about the dates set for below, in Orange County, within the Central District of California, and elsewhere, defendant HO, together with Co-Conspirator Dinh and others known and unknown to the Grand Jury, aiding and abetting each other, knowingly conducted, and willfully caused others to conduct, the following financial transactions in and affecting interstate commerce involving the proceeds of specified unlawful activity, that is, conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349, and wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that property involved in such financial transactions represented the proceeds of some form of unlawful activity and knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of such proceeds:

COUNT	DATE	TRANSACTION
THREE	9/9/20	The transfer of approximately \$9,862 from the Global Prestige Checking Account to a Prestige Property account via Check #1549 drawn on the Global Prestige Account
FOUR	9/9/20	The transfer of approximately \$9,862 from the Global Prestige Checking Account to a Prestige Property account via Check #1551 drawn on the Global Prestige Account

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), in the event of the conviction of defendant MATTHEW HOANG HO, also known as "Mat Hoang Ho," of the offenses set forth in any of Counts One and Two of this Indictment.

2. Defendant HO, if so convicted, shall forfeit to the United States of America the following:

(a) all right, title, and interest in any and all property, real or personal, constituting, or derived from, any proceeds traceable to the offenses; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), defendant HO, if so convicted, shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of defendant HO, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[18 U.S.C. § 982]

1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 982(a)(1), in the event of the conviction of defendant MATTHEW HOANG HO, also known as "Mat Hoang Ho," of the offenses set forth in any of Counts Three and Four of this Indictment.

2. Defendant HO, if so convicted, shall forfeit to the United States of America the following:

(a) Any property, real or personal, involved in such offense, and any property traceable to such property; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), and Title 18, United States Code, Section 982(b)(2), defendant HO, if so convicted, shall forfeit substitute property, if, by any act or omission of defendant HO, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty. Substitution of assets shall not be ordered, however, where the convicted defendant acted merely as an

intermediary who handled but did not retain the property in the course of the money laundering offense unless defendant HO, in committing the offense or offenses giving rise to the forfeiture, conducted three or more separate transactions involving a total of \$100,000.00 or more in any twelve-month period.

A TRUE BILL

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Foreperson

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